

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 57613

Daniel Melvin Huber
Lelia A. Huber

345 Townsend Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 27, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 428 failure to remove or tag unlicensed/inoperable motor vehicle on residential property zoned DR 5.5 known as 345 Townsend Road, 21221.

On April 27, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector M. Stuart Kelly issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued March 24, 2009 requesting removal of unlicensed/inoperable motor vehicle and removal of all junk, trash, and debris to correct open dump conditions. This Citation was issued on April 27, 2009 for failure to remove or tag unlicensed, inoperable motor vehicle. The other violations were corrected, with junk and trash removed from the yard.

B. Photographs in the file show a small sedan or sports car in the rear yard, partially covered with a tarpaulin. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents must remove the vehicle, or repair it and put current tags on it.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent corrects the violation by removing or repairing and tagging the car by June 7, 2009. If the Respondents fail to correct the violation by that date, then the full civil penalty shall be imposed, and additional Citations may be issued for the continuing zoning violation.

IT IS FURTHER ORDERED that the civil penalty as authorized above shall be placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violation has been corrected.

ORDERED this 28th day of May 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer